HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 16070 of 2007

Dated 31st July 2007

Between:

Ghanta Venkateswara Rao,
Peture, Repalle ,
Guntur District.

.....Petitioner.

and

The District Collector,
Guntur District, Guntur and others.

.....Respondents.

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ORDER:

The petitioner claims to be a landless poor person. It is stated that his father was assigned Ac.0-37 cents in Sy.No.345/2 and 346, situated at Peture Village of Repalle Mandal, Guntur District on 22.6.1975. The said land was under the possession and enjoyment of his father and after his death, the petitioner has been continuing and cultivating the same.

It is alleged that the respondents 4 to 6, who claim to have purchased the said land for the purpose of a commercial venture, have been taking steps to lay a road through the land in possession of the petitioner. Immediately, he made a representation to respondents 1 to 3 not to grant any permission to respondents 4 to 6. However, the respondents 1 to 3 failed to take any steps restraining the respondents 4 to 6 from proceeding with the laying of the road. Hence, this writ petition seeking a declaration that the action of respondents 4 to 6 in interfering with the possession and enjoyment of the petitioner's assigned land, admeasuring Ac.0-37 cents in Sy.No.345/2, as arbitrary and illegal.

I have heard the learned counsel for the petitioner and perused the material on record, which includes the order of assignment dated 22.6.1975 granted in favour of the petitioner's father and cist receipts dated 29.2.2001, 5.4.2002 and 23.5.2007.

On the basis of the above said material, even assuming that the petitioner is in possession of the land in question, it is clear that the grievance of the petitioner is only against respondents 4 to 6, who are also claiming ownership to the land in question. Thus, it is nothing but a property dispute between private persons. Nothing could be placed before this Court to show that the matter involves enforcement of any statutory obligation on the part of the respondents 1 and 3.

In the circumstances, even assuming that the respondents 1 to 3 failed to take any action on the representation of the petitioner, it is not open to the petitioner to seek a Writ of Mandamus. The remedy is elsewhere for redressal of grievance against respondents 4 to 6, but the petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed, granting leave and liberty to the petitioner to workout the appropriate remedy as available under law for redressal of his grievance. No costs.

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(G.ROHINI, J)

Dated:31st July 2007
mrb